

10761735 - GAU:

PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/761,735
		Filing Date	January 20, 2004
		First Named Inventor	James P. Gustafson, et al.
		Group Art Unit	2122
		Examiner Name	Unassigned
		Attorney Docket Number	14327US02
Total Number of Pages in This Submission	6		

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> PTO 1449/08A with 4 references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) ( sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-receipt post card
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	McAndrews Held & Malloy, Ltd.
Signature	
Date	May 6, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 6, 2004.			
Name (Print/type)	Fredrick J. French, III	Registration No. (Attorney/Agent)	52,524
Signature		Date	May 6, 2004

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /ZW/



**PATENT**  
**Attorney Docket No. 14327US02**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

James P. Gustafson, et al.

Serial No.: 10/761,735

Filed: January 20, 2004

For: Update System Capable Of Updating  
 Software Across Multiple Flash Chips

Examiner: unknown

Group Art Unit: 2122

**CERTIFICATE OF MAILING**

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 Alexandria, VA 22313-1450 on May 6,  
2004.

Fredrick T. French, III  
 Reg. No. 52,524

**TRANSMITTAL OF  
 INFORMATION DISCLOSURE STATEMENT  
 AFTER APPLICATION FILING DATE**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

**ENCLOSURES**

Enclosed are the following:

- \* A two-page, completed PTO form 1449.
- \* The enclosed PTO form 1449 lists 47 references not previously provided to or by the PTO in this application. Copies of the four foreign references listed thereon are enclosed herewith.

**FEE DETERMINATION**

- \* No fee is believed to be due because:
  - \* This statement and enclosures are being filed three months or less after the application was filed.
  - \* The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

**FEE PAYMENT**

The following arrangements have been made to pay the fees calculated above:

- \* No fee is believed to be due.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

**REMARKS**

The Applicants neither agree nor disagree with the following notations that accompanied the references listed below in a prior art search performed by Augustine Associates, Ltd., 2981 Fox Tail Court, Woodbridge, VA 22192, dated April 22, 2003:

2003/0061384	"para (0015)"
2003/0037075	"para (0166)"
2003/0033599	"wireless software download, see (0039)"
2002/0157090	"update software, Claim 17"
2002/0152005	"wireless link upgrade"
2002/0131404	"can be used with games (0004)"
2002/0116261	"update software (0058)"
2001/0029178	"Claim 1, upgrade"
6,438,585	"mobile link"
6,279,153	"ROM update on wireless link abstract (170 page patent – front page and claims only provided here)"
6,198,946	"wireless upgrade"
6,163,274	"real-time update"
6,126,327	"flash update"

5,790,974	(265 page patent – front page and claims only provided here)”
5,261,055	“‘perceptual’ software agent that updates stored entries”
5,598,534	“wireless upgrade”
5,666,293	“PDA link system”
	“loaded into non-volatile[sic] memory. Claims 2 and 3, game system”

## REQUEST FOR CONSIDERATION

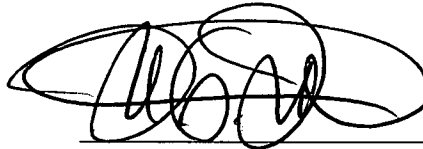
This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102. Applicants expressly retain the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial a copy of the enclosed PTO-1449 and return to the applicants to indicate consideration of the enclosed references.

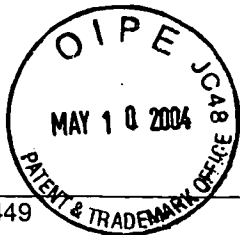
Dated: May 6, 2004

Respectfully submitted,



Fredrick T. French, III  
Reg. No. 52,524  
Agent for Applicants

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10761735 - GAU:

FORM PTO-1449	SERIAL NO. 10761,735	CASE NO. 14327US02
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 20, 2004	GROUP ART UNIT 2122
(use several sheets if necessary)		APPLICANT(S): James P. Gustafson, et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	5,261,055	11/09/1993	Moran et al.	395/275	02/19/1992
	5,442,771	08/15/1995	Filepp et al.	395/650	11/26/1993
	5,479,637	12/26/1995	Lisimaque et al.	395/430	08/28/1991
	5,579,522	11/26/1996	Christeson et al.	395/652	07/24/1995
	5,596,738	01/21/1997	Pope	395/430	04/12/1995
	5,598,534	01/28/1997	Haas	395/200.09	09/21/1994
	5,608,910	03/04/1997	Shimakura	395/670	05/09/1994
	5,623,604	04/22/1997	Russell et al.	395/200.1	11/18/1992
	5,666,293	09/09/1997	Metz et al.	395/200.5	07/03/1995
	5,752,039	05/12/1998	Tanimura	395/712	11/21/1994
	5,778,440	07/07/1998	Yiu et al.	711/154	02/16/1996
	5,790,974	08/04/1998	Tognazzini	701/204	04/29/1996
	5,878,256	03/02/1999	Bealkowski et al.	395/652	10/16/1991
	5,960,445	09/28/1999	Tamori et al.	707/203	04/17/1997
	6,009,497	12/28/1999	Wells et al.	711/103	11/09/1998
	6,038,636	03/14/2000	Brown, III et al.	711/103	04/27/1998
	6,064,814	05/16/2000	Capriles et al.	395/701	11/13/1997
	6,073,206	06/06/2000	Piwonka et al.	711/102	04/30/1998
	6,073,214	06/06/2000	Fawcett	711/133	09/09/1998
	6,088,759	07/11/2000	Hasbun et al.	711/103	06/30/1997
	6,105,063	08/15/2000	Hayes, Jr.	709/223	05/05/1998
	6,112,024	08/29/2000	Almond et al.	395/703	10/02/1996
	6,112,197	08/29/2000	Chatterjee et al.	707/3	05/29/1998
	6,126,327	10/03/2000	Bi et al.	395/200.51	10/16/1995
	6,128,695	10/03/2000	Estakhri et al.	711/103	09/18/1998
	6,157,559	12/05/2000	Yoo	365/52	06/12/1998
	6,163,274	12/19/2000	Lindgren	340/825.44	09/04/1997
	6,198,946	03/06/2001	Shin et al.	455/561	11/20/1998
	6,279,153	08/21/2001	Bi et al.	717/11	01/15/1997
	6,311,322	10/30/2001	Ikeda et al.	717/1	03/05/1999
	6,438,585	08/20/2002	Mousseau et al.	709/206	01/16/2001
	2001/0029178	10/11/2001	Criss et al.	455/419	06/07/2001
	2001/0047363	11/29/2001	Peng	707/104.1	02/01/2001
	2001/0048728	12/06/2001	Peng	375/354	02/01/2001

EXAMINER /Zheng Wei/	DATE CONSIDERED 02/20/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Rev. Dec.-99

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FORM PTO-1449	SERIAL NO. 10761,735	CASE NO. 14327US02
LIST OF PATENT AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 20, 2004	GROUP ART UNIT 2122
(use several sheets if necessary)		APPLICANT(S): James P. Gustafson, et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	2002/0078209	06/20/2002	Peng	709/227	12/15/2000
	2002/0116261	08/22/2002	Moskowitz et al.	705/14	02/20/2001
	2002/0131404	09/19/2002	Mehta et al.	370/352	11/28/2001
	2002/0152005	10/17/2002	Bagnordi	700/234	04/12/2001
	2002/0156863	10/24/2002	Peng	709/217	04/23/2001
	2002/0157090	10/24/2002	Anton, Jr.	717/178	04/20/2001
	2003/0033599	02/13/2003	Rajaram et al.	717/173	08/10/2001
	2003/0037075	02/20/2003	Hannigan et al.	707/500	05/02/2002
	2003/0061384	08/27/2003	Nakatani	709/245	09/25/2001

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO
	8202626	08/09/1996	Japan		X
	2,339,923	03/02/2000	Canada		
	2002-0034228	05/09/2000	Korea		X
	2001-0100328	11/14/2001	Korea		X

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER /Zheng Wei/	DATE CONSIDERED 02/20/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Rev. Feb.-97

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MULTIPLE FLASH CHIPS\14327US02-Form 1449.doc

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